REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 9, 11, 12, 21, 23, 24, and 27 are pending in this case.

The outstanding Office Action rejected Claims 9, 11, 12, 21, 23, 24, and 27 under 35 U.S.C. § 103(a) as unpatentable over Abe, et al. (U.S. Pub. No. 2002/0069408, herein "Abe") in view of Freed, et al. (U.S. Patent No. 7,073,055, herein "Freed").

Applicant traverses the rejection of the pending claims under 35 U.S.C. § 103(a).

Claim 9 is directed to an information processing apparatus and includes:

> a data reception unit;
> **a rule decision processing unit configured to determine whether data processing based on a data processing request received via the data reception unit is to be executed**; and
> a data processing unit configured to execute data processing based on the determination of the rule decision processing unit, wherein
> the rule decision processing unit is configured to execute determination processing for determining whether or not the processing according to the processing request is to be executed **based on a rule deciding condition descriptor, and the rule deciding condition descriptor is determined based on a probability value.**

The outstanding Office Action asserts, at page 3, that Abe teaches every element of Claim 9 except "Abe does not teach the *specifics* on processing information…in servers or computer networks," which the outstanding Office Action asserts Freed as teaching.

In the Response to Arguments, at page 11, the outstanding Office Action asserts that the rule decision unit 22 is fed with an information candidate table 21 from the supplementary condition decision unit 21 and "will not execute unless those conditions as met." That is, the outstanding Office Action asserts that the rule decision unit 22 determining whether a particular CM is selected teaches "whether data processing based on a data

processing request received via the data reception unit is to be executed," as recited by Claim 9.

However, the above-stated assertion wholly misinterprets the plain language of Claim 9. Claim 9 recites "a rule decision processing unit configured to determine **whether data processing based on a data processing request received via the data reception unit is to be executed**." Thus, the determinative feature is not whether the rule decision unit 22 selects a given CM or not but, rather, whether the rule decision unit 22 selects a CM based on the information candidate table 21 at all. Because the rule decision unit 22 always does select a CM, the rule decision unit 22 never determines **whether** it will determine the CM but, rather, always does.

Further, as described at paragraph [0247] of Abe, the probabilities from the CM probability database 103, which was asserted as teaching a probability value as defined by Claim 9, are input to the supplementary condition calculation unit 20, which, like the rule decision unit 22, is also part of the processor 44, which is part of the CM detection unit 352, but the **probabilities stored in the CM probability database 103 are not used by "a rule decision processing unit...to determine whether data processing based on a data processing request received via the data reception unit is to be executed"** because the rule decision unit 22 does not determine whether to process the request at step S470 received by the access site information retrieval unit 355. This argument in the previous response was not answered in derogation of MPEP § 707.07(f).

Abe does not teach or suggest at least the above-discussed features of Claim 9. Further, Freed does not cure the deficiencies of Abe and is also not asserted as teaching those features of Claim 9 that are deficient in Abe.
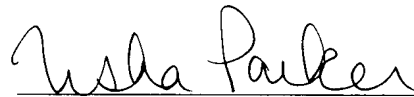
Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) of Claim 9 and Claims 11 and 12, which depend therefrom, be withdrawn.

Claims 21 and 27, though differing in scope and statutory class from Claim 9, patentably define over <u>Abe</u> and <u>Freed</u> for similar reasons as Claim 9. Thus, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) of Claim 21, Claims 23 and 24, which depend therefrom, and Claim 27 be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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